REMARKS

Claims 1-11 are currently pending. Applicants respectfully request entry of the foregoing proposed changes to the claims in light of the following remarks. First, Applicants propose to place claim 2 and 8 into independent form in light of the Examiner's express suggestion to do so insofar as this would place claims 2-4, 8 and 9 into allowable form for reasons of record. See paragraph 5, page 5, of the Office Action.

Additionally, the Office Action in the response to arguments section suggested that the independent claims are too broad in that they only specify "VDSL" in the preamble, which was not given weight, and the Office suggested that it was not interpreting the phrase "tone space" to necessarily mean different frequencies. Applicants respectfully submit that the term "tone space" is defined at page 1 of the specification but sees no particular objection to incorporating appropriate definition into the independent claims. Stated differently, Applicants propose adding a definition of tone space to mean different frequencies in independent claims 1 and 7 in accordance with the Examiner's suggestion. Also, mention of the aspect of the invention being directed to a VDSL system has been clarified by incorporating this recitation in the body of the claim rather than just the preamble.

Because these proposed claim changes were relatively clearly suggested in the final Office Action, Applicants respectfully submit that they should be entered, particularly since it appears that the Examiner is in agreement that with these changes or similar changes the application will be in condition for allowance.

More specifically, the Office Action includes a rejection of claims 1 and 7 under 35 U.S.C. §102(b) as allegedly being anticipated by the *Bellenger* patent (U.S.

Patent 5,982,768); a rejection of claims 6 and 11 under 35 U.S.C. §103 as allegedly being unpatentable over the *Bellenger* patent in further view of Applicant's description of prior art referred to as "APA" in the Office Action; and finally a rejection of claims 5 and 10 under 35 U.S.C. §103 as allegedly being unpatentable over the *Bellenger* patent in view of the *Bruss* patent application publication (2001-0026538). These rejections are respectfully traversed.

In describing the *Bellenger* patent, the Office equates the first tone space mode and the second tone space mode as reading on step 1020 of Figure 10 ("exchange parameters of old communication session") as described at column 15, lines 49-51. As proposed to be amended, the claims refer to the first and second tone space modes as having a first frequency and a second frequency that is different from the first frequency, respectively. As implicit from the Examiner's comments in paragraph 6 page 5 of the Office Action, this amended language does not read on step 1020 of Bellenger wherein an initial exchange hand shake using old communication parameters is used in determining whether or not the communication session should use new communication parameters. Hence, for reasons already acknowledged by the Examiner, claims 1 and 7 are neither anticipated nor rendered obvious over the *Bellenger* patent.

Additionally, what is disclosed in column 15 of the *Bellenger* patent is that if the old communication parameter is matched, a new session starts with these old parameters. However, if the parameters from the old communication session do not match, then a telephone line is probed to obtain new parameters and a new session starts with the new parameters. The undersigned could find nothing analogous to switching from a first tone space mode to a second tone space mode *by detecting a*

loop in each of the two stations for adjusting a tone space when it is determined that each of the two stations supports the second tone space mode. Hence, while Applicants do not have a particular problem in adding the language suggested by the Examiner in paragraph 6 of the final Office Action for emphasis, it is noted that the *Bellenger* patent does not teach other limitations of the independent claims.

The secondary references (Applicant's description of prior art and the *Bruss* patent) do not supply the teachings missing from the *Bellenger* patent, nor does the Examiner suggest that they do. It is not clear, however, to the undersigned that such combinations would be obvious to one skilled in the art or that the hypothetical combination would result in the combination of features found in the rejected claims. However, it is unnecessary to belabor the point insofar as the claims are patentable for the reasons given above.

In light of the foregoing, Applicants respectfully request reconsideration and allowance of the above-captioned application. Should any residual issues exist, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,

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Date: August 9, 2006

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